

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

CODY ANDREW SEALS,

Defendant.

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No. 3:20-CR-100-KAC-JEM-2

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or recommendation as appropriate. This case is before the Court on the Joint Motion by Defendant Cody Seals and the United States of America to Continue Trial Date and All Associated Deadlines [Doc. 235], filed on April 3, 2023.

In their motion, the parties ask to continue the May 2, 2023 trial date and all associated deadlines. The motion relates that Defendant and the Government are engaged in serious and complicated settlement discussions. The parties state that these negotiations cannot reasonably be completed by the deadlines set forth in the current trial schedule due to the complexity of the case, Defendant's pretrial detention in Laurel County, Kentucky, and the consultations that must be conducted—and approvals that must be obtained—from several agencies and the United States Attorney's Office. Counsel for Defendant further relates that he is also counsel of record for a defendant who is charged in a complicated addiction treatment case that is set for an eight-week trial beginning on May 9, 2023, in Frankfort, Kentucky. The parties aver that failing to grant the requested continuance would unreasonably deny counsel for Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would otherwise result in a miscarriage of justice.

Based upon the information provided by the parties in their motion and because both parties support the continuance, the Court finds the ends of justice served by granting a continuance outweigh the interests of Defendant and the public in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). In making this determination, the Court has considered the factors set forth in 18 U.S.C. § 3161(h)(7)(B). Specifically, the Court concludes that not granting a continuance would both result in a miscarriage of justice and deny counsel for Defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See id.* § 3161(h)(7)(B)(i)–(iv). In the event plea negotiations are not fruitful, defense counsel will need additional time to prepare this complicated matter—which involves nine felony charges against Defendant [Doc. 3-2]— for trial. This cannot be done by the May 2, 2023 trial date, especially when considering Defendant’s pretrial detention in another state.

The Court therefore **GRANTS** the Joint Motion by Defendant Cody Seals and the United States of America to Continue Trial Date and All Associated Deadlines [**Doc. 235**]. The trial of this case is reset to **October 24, 2023**. A new, comprehensive, trial schedule is included below. Because the Court has found that the ends of justice served by granting a continuance outweigh the interests of Defendant and the public in a speedy trial, all of the time between the filing of the motion on April 3, 2023, and the new trial date of October 24, 2023, is fully excludable time under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(1)(D), -(h)(7)(A)–(B).

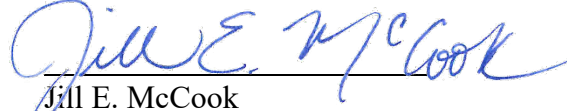
Accordingly, it is **ORDERED** as follows:

- (1) the Joint Motion by Defendant Cody Seals and the United States of America to Continue Trial Date and All Associated Deadlines [**Doc. 235**] is **GRANTED**;
- (2) the trial of this matter is reset to commence on **October 24, 2023, at 9:00 a.m.**, before the Honorable Katherine A. Crytzer, United States District Judge;

- (3) all time between the filing of the motion on **April 3, 2023**, and the new trial date of **October 24, 2023**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) the deadline for filing a plea agreement in the record and providing reciprocal discovery is **September 22, 2023**;
- (5) the deadline for filing motions *in limine* is **October 2, 2023**;
- (6) the parties are to appear before the undersigned for a final pretrial conference on **October 3, 2023, at 1:30 p.m.**; and
- (7) requests for special jury instructions with appropriate citations to authority pursuant to Local Rule 7.4 shall be filed on or before **October 13, 2023**.

IT IS SO ORDERED.

ENTER:


Jill E. McCook
United States Magistrate Judge